

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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Serial No.:	09/981,422	Examiner:	Asghar H. Bilgrami
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Title:	PERFORMANCE MANAGEMENT SYSTEM		

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**REPLY BRIEF**

**Introductory Comments**

In response to the Examiner's Answer dated October 3, 2007 (hereinafter "the Examiner's Answer"), please consider the following remarks.

## **Remarks**

In the Appeal Brief of July 2, 2007 (hereinafter “the Appeal Brief”), the Appellant asserts that claims 1-11, 13-41, 43-70, and 72-175 are allowable at least because neither U.S. Patent No. 6,571,285 to Groath et al. (hereinafter “Groath”) nor U.S. Patent No. 5,751,933 to Dev et al. (hereinafter “Dev”) teach or suggest storing a graphical format of performance information in a repository. (Page 10 of the Appeal Brief.)

In its “Response to Arguments” section, the Examiner’s Answer notes that the present specification indicates that the graphical format of the present claims may be a web page in some embodiments. (Page 14 of the Examiner’s Answer.) The Examiner’s Answer further notes that Groath discloses at column 2, lines 16-23, the following information, with emphasis from the Examiner’s Answer:

“The data collected on the status of the network is then manipulated by concatenating the data collected on a network into a master file; reformatting the data into a *standardized format*; translating the data to key codes; sorting the data according to predetermined criteria; and concatenating the sorted data together. *The data is then stored in a database. Thereafter*, network availability is conveyed graphically.”

(Please see page 15 of the Examiner’s Answer.) The Examiner’s Answer further notes that Groath mentions the use of HyperText Markup Language (HTML) in a preferred embodiment, and that HTML has been used on the World-Wide Web for years. (Please see page 15 of the Examiner’s Answer, citing column 8, lines 45-65, of Groath.) Based on these citations, the Examiner’s Answer alleges that “it is apparent that Groath discloses collecting, concatenating and then saving the network status information (to include performance) data (col. 11, lines 44-52) in standard format (to include HTML) in a database, which is then utilized to present the status information graphically to the user.” (Page 16 of the Examiner’s Answer.)

The Appellant respectfully disagrees with the allegation. While Groath indeed indicates the use of HTML, Groath does not indicate that HTML is the standardized

format into which the status data is formatted and subsequently stored. In fact, from the point at which the discussion of the details of the Groath system begins (at column 10, line 1), HTML does not appear to be discussed or mentioned even once in connection with the “DATA COLLECTION” section of Groath (column 13, line 6, through column 65, line 22), which discusses the collection, manipulation, and storage of the status data in a database. Instead, the use of HTML is discussed exclusively in connection with the “REPORTING” section of Groath, beginning at column 65, line 24. As a result, Groath does not indicate that graphical information is stored in the database. Instead, Groath generates the graphical information using the data from the database.

As discussed in the Appeal Brief, Fig. 16 of Groath indicates that *data* matching requested parameters for a report *are retrieved from a database* and then used to generate a graph. “A *database* is polled in operation 1602 for *data that matches the report parameters*. A graph is generated in operation 1604 from the data that matches the report parameters. In operation 1606, the generated graph is displayed to graphically represent the monitored elements, services, and processes of the network.” (Column 65, lines 29-34; emphasis supplied.) Therefore, since the graph is generated from the data previously stored in the Groath database, and the generated graph is not subsequently stored in the database, Groath does not teach or suggest *storing a graphical format of performance information*, as provided for in claims 1, 31, 61, 90, 119, and 148.

Further, the use of HTML as the “standardized format” as proposed in the Examiner’s Answer appears to be counterproductive to the subsequent steps discussed in Groath of “translating the data to key codes; sorting the data according to predetermined criteria; and concatenating the sorted data together.” Groath teaches that the database data warehouse design disclosed therein “should be built for efficient storage, processing, and aging of performance data.” (Column 11, lines 63-67.) Nothing in Groath indicates that reformatting the data into a web language such as HTML before the translation, sorting, and concatenating steps listed above is conducive to efficient storage, processing, and aging of the data. Instead, the Performance Data Manipulator (PDM) of Groath “converts the log files from formats specific to a particular monitoring program into a *common format*.” (Column 11, lines 56 and 57; emphasis supplied.) Apparently, such a conversion is undertaken so that the subsequent translation, sorting, and concatenating

operations may be performed on data of a single format, thus simplifying those operations. Groath does not indicate that HTML is useful for such a purpose.

Moreover, even if HTML were employed in the way suggested in the Examiner's Answer, the resulting data stored in the data warehouse of Groath may not be classifiable as a "graphical format" of the performance data due to the subsequent translation, sorting, and concatenating operations, which are performed prior to the storing of the data in the database. In addition, while HTML is often employed for generating Web-based documents, many such documents are strictly numerical and/or textual in nature, and do not necessarily involve the use or display of a graphical format of information.

The Examiner's Answer further asserts that Appellant "implied that conveying/displaying of the information in the graphical format involved another conversion." (Page 16 of the Examiner's Answer.) In response, the Appellant agrees with the assertion if generation of the graph from selected data in the database, as shown in Fig. 16 of Groath, is termed a "conversion." However, Groath does not indicate that the original data in the database are modified to yield the graphs, or that the generated graphs are stored back into the database. Instead, as cited above, Groath indicates that "[a] graph is generated in operation 1604 from the data that matches the report parameters." (Column 65, lines 31 and 32.) In addition, the report parameters may include a graph type parameter, which "may be a line graph, a bar graph, a boxplot graph, and/or a spectrum graph. In addition, the graph may be displayed via a browser." (Column 65, lines 49-51.) Thus, Groath does not indicate that the data residing in the database are converted to graphs and stored back into the database, but instead indicates that the graphs are generated from the data in the database and displayed thereafter.

Thus, given the foregoing, the Appellant reasserts that claims 1, 31, 61, 90, 119, and 148 are allowable in view of the combination of Groath and Dev, and such indication is respectfully requested.

Each of the currently-pending dependent claims 2-11, 13-30, 32-41, 43-60, 62-70, 72-89, 91-118, 120-147, and 149-175 depends from one of independent claims 1, 31, 61, 90, 119, and 148, thus incorporating the provisions of its associated independent claim. Thus, the Appellant asserts that claims 2-11, 13-30, 32-41, 43-60, 62-70, 72-89, 91-118,

120-147, and 149-175 are allowable for at least the reasons provided above in support of claims 1, 31, 61, 90, 119, and 148, and such indication is respectfully requested.

### **Conclusion**

In light of the foregoing remarks, the Appellant submits that the final rejections of claims 1-11, 13-41, 43-70, and 72-175 are erroneous, and respectfully requests their reversal.

The Appellant believes that no fees are due with respect to this filing. However, should the Office determine that additional fees are necessary, the Office is hereby authorized to charge Deposit Account No. 21-0765.

Respectfully submitted,

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